REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-21 are pending in this application. Claims 1, 8, 12 and 19-21 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.
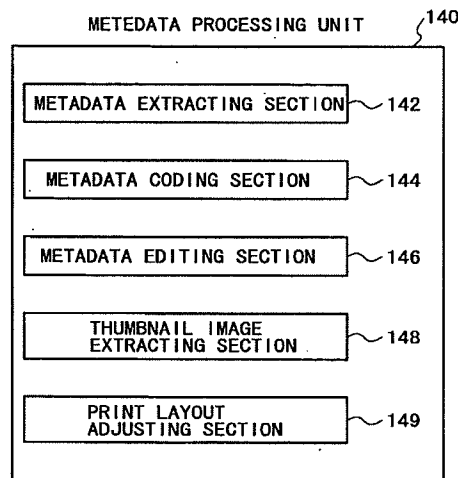
II.   SUPPORT FOR AMENDMENT IN SPECIFICATION

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0110]-[0112] and Fig. 5 of Applicant's corresponding published application. By way of example and not limitation:

> [0110] As shown in FIG. 5, the metadata processing unit 140 has a metadata extracting section 142, a metadata coding section 144, a metadata editing section 146, a thumbnail image extracting section 148, and a print layout adjusting section 149.

> [0111] **The metadata extracting section 142**, configured as an extracting section associated with the present embodiment, searches for, reads, and **extracts the metadata recorded to the optical disk 60, automatically** or in response to user instruction.

[0112] To be more specific, **when the optical disk 60 is loaded on the recording/reproducing apparatus 100 for example, the metadata extracting section 142 starts the recording/reproducing unit 120 to automatically search the storage area in the optical disk 60 for metadata and their storage locations**. Also, the metadata extracting section 142 can read the detected metadata partially or entirely.

F I G. 5

METEDATA PROCESSING UNIT   140

METADATA EXTRACTING SECTION	142
METADATA CODING SECTION	144
METADATA EDITING SECTION	146
THUMBNAIL IMAGE EXTRACTING SECTION	148
PRINT LAYOUT ADJUSTING SECTION	149

III.   RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3, 4, 7, 8, 10-12, 14, 15, 18 and 21 were rejected under 35 U.S.C.

§103(a) as allegedly unpatentable over U.S. Patent No. 6,833,865 to Fuller et al. (hereinafter,

merely "Fuller") in view of U.S. Patent No. 6,476,817 to Harper et al. (hereinafter, merely

"Harper").

Claims 2, 5, 6, 9, 13, 16 and 17 were rejected under 35 U.S.C. §103(a) as

allegedly unpatentable over Fuller in view of Harper and further in view of U.S. Patent No.

5,745,102 to Bloch et al. (hereinafter, merely "Bloch").

Claims 19 and 20 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over Fuller in view of Harper and further in view of Bloch and U.S. Patent No.

6,873,435 to Tehranchi et al. (hereinafter, merely "Tehranchi").

Claim 1 recites, *inter alia*:

> **...wherein the extraction section performs automatic
> extraction in response to loading the storage medium** and
> manual extraction in accordance with a user's operation of
> selecting the metadata to be extracted from a list of selectable
> metadata... (Emphasis added)

Applicant submits that neither Fuller nor Harper, taken alone or in combination,

that would disclose or render predictable the above-identified features of claim 1. Specifically,

neither of the references used as a basis for rejection discloses or renders predictable "wherein

the extraction section performs automatic extraction in response to loading the storage

medium and..." as recited in claim 1.

Specifically, the Office Action (see page 3) asserts that Fuller discloses automatic

extraction, and refers to col.1, lines 51-64, col.3, lines 1-10 and col.9, lines 10-45. Thus, Fuller,

col.1, lines 51-64, col.3, lines 1-10, col.4, lines 24-46 and col.9, lines 10-45 are reproduced as

follow:

> *Fuller, col.1, lines 51-64:*
> ... Each of these systems exploit metadata to allow constrained
> searches for specific digital content. The metadata is generated
> during a logging process when the digital content is entered into
> the DMMS. Metadata generally falls into two broad categories:
>
> Collateral metadata: information such as date, time, camera
> properties, and user labels or annotations, and so forth; Content-
> based metadata: information extracted automatically by analyzing

the audiovisual signal and extracting properties from it, such as keyframes, speech-to-text, speaker ID, visual properties, face identification/recognition, optical character recognition (OCR), and so forth.

Fuller, col.3, lines 1-10:
Speech-to-text & keyword spotting Speaker identification (ID) Audio classifications & feature vectors Face identification/recognition Optical Character Recognition (OCR) Other customized metadata via extensibility mechanisms: GPS data; camera position & properties; any external collateral data; and so forth.

Fuller, col.4, lines 24-46:
In one aspect of the present invention, there is an integrated data and real-time metadata capture system, comprising a digital capture device producing a digital representation of one or more forms of media content; a feature extraction engine integrated with the digital capture device, **the feature extraction engine having a plurality of feature extractors to automatically extract metadata in real-time from the digital content simultaneously with the capture of the content**; and a storage device capable of storing the media content and the metadata, wherein selected portions of the metadata are associated with selected portions of the media content.

In another aspect of the present invention, there is an integrated data and realtime metadata capture method, comprising sensing analog signals, converting the analog signals to a digital representation of one or more forms of media content, compressing the digital media content, **automatically extracting metadata in real-time from the digital media content simultaneously with the compressing of the digital media content**, and storing the digital media content and the metadata, wherein selected portions of the metadata are associated with selected portions of the digital media content.

Fuller, col.9, lines 10-45:
The next check is to see if any device state triggers have occurred at a decision state 808. If a record mode on/off state change has occurred, as determined at decision state 810, the event time is used to mark either the beginning (on) or ending (off) of a video clip. A clip marking function 812 notifies the content-based analysis engine of the event, which may cause additional actions

such as grabbing a keyframe to mark the clip beginning or end. Keyframe selection is described in Applicant's U.S. patent application Ser. No. 08/870,836, which is hereby incorporated by reference. In the context of the analysis engine description in U.S. patent application Ser. No. 09/134,498, the marking of clips drives the same control logic that is driven by the graphical user interface in the preferred embodiment of that application. Any metadata generated by this function 812 is added to the metadata batch under construction.

... ...

Once all the metadata is gathered for the current pass, it is composed into a data structure by function 838. Then the metadata batch is time-stamped at function 840 by obtaining the current device time code value from the time code generator 600. In one embodiment, SMPTE time code is used, in the form HH:MM:SS:FF (where FF is the frame count). Finally, at state 842, the complete metadata package is sent to the format unit 500 for preparation for storage.

Applicant submits that, Fuller (see, Fuller, col.4, lines 24-46) discloses automatically extracting metadata in real-time **simultaneously with the capture of the content, or simultaneously with the compressing of the digital media content**, but Fuller discloses nothing about **automatically extracting metadata in response to loading the storage medium**. Thus, nothing has been found in Fuller that would disclose or render predictable "wherein **the extraction section performs automatic extraction in response to loading the storage medium** and..." as recited in claim 1.

Furthermore, this deficiency of Fuller is not cured by the supplemental teaching of Harper.

Therefore, Applicant submits that independent claim 1 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 8, 12 and 19-21 are also patentable, and Applicant thus respectfully requests reconsideration of the rejections thereto.

IV.   DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicant thereby respectfully requests reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any

overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the

claims in this application are patentable and Applicant respectfully requests early passage to

issue of the present application.

Respectfully submitted,

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